

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

CRP.No. 555 of 2003()

CMA.49/2001 of I ADDL. DISTRICT COURT, TRIVANDRUM
OS.1859/2000 of II ADDL.M.C.,TRIVANDRUM
(IA. 9261 /2000)
.....

REVN. PETITIONER: PLAINTIFF

R.RAGHAVAN S/O. RAMAKRISHNAN NADAR,
T.C.25/3072, VANCHIYOOR, TRIVANDRUM.

BY ADV. SRI.R.S.KALKURA

RESPONDENTS: DEFENDANTS

- 1. G.SUDHAKARAN NAIR, S/O. GOVINDA PILLAI,
TC. 25/3068, VANCHIYOOR, TRIVANDRUM

2. S.GOPAKUMAR S/O. SUDHAKARAN NAIR,
"DHANYA"., PAUDIOKONAM, TRIVANDRUM.

BY ADV. SRI.D.SAJEEV

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 17/12/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

CRP555/2003

ORDER ON C.M.P.NO.1417/2003 IN C.R.P.NO.555/2003

DISMISSED

17.12.2007

SD/- K.T.SANKARAN, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.T.SANKARAN, J.

C.R.P.No.555 of 2003

Dated this the 17th day of December, 2007

ORDER

The petitioner herein is the plaintiff in O.S.No.1859/2000, on the file of the Court of the II Addl. Munsiff, Thiruvananthapuram. The suit is for injunction in respect of a building in the occupation of the revision petitioner/plaintiff. As per the order dated 24.11.2000, the trial court made the interim injunction absolute. Against that order the defendants filed C.M.A.No.49/01 before the First Additional District Court-Thiruvananthapuram. The appellate court noticed that there was change in the statusquo as noted on the date of suit. The appeal was allowed and the order passed by the trial court was set aside. However, the appellate court stated thus in the judgment :

“It is also hereby made clear that the order will not affect the peaceful occupation of the plaint schedule property by the respondent till the suit is finally disposed of. The appellant shall not do anything which will effect the peaceful occupation of the plaint schedule property by the respondent.”

2. The appellate court also stated that the plaintiff would be entitled to take appropriate steps in respect of the violation of the order of injunction allegedly made by the defendants. The interest of

the plaintiff was protected to that extent.

3. Along with this revision C.M.P.No.1416/03 was filed by the revision petitioner/plaintiff praying for restraining the defendants from cutting away the existing amenities to the building or in any way obstructing the peaceful possession and enjoyment of the plaintiff's building by him or committing waste therein. On 26.2.2003, the following order was passed in that application: "There will be an interim injunction restraining forcible eviction from what remains of the building which is the subject matter of the suit for one month". The said interim order was being extended from time to time and it was extended until further orders on 30.5.2003. In view of the order passed in C.M.P.No.1416/2003, I am of the view of that the Civil Revision Petition can be disposed of confirming the interim order granted by this court and directing the trial court to dispose of the suit as expeditiously as possible. The judgment impugned is modified to the above extent.

The Civil Revision Petition is disposed of as above.

**K.T.SANKARAN,
JUDGE**

csl